

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN OFFICE

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SHEET METAL WORKERS' NATIONAL
PENSION FUND; NATIONAL ENERGY
MANAGEMENT INSTITUTE
COMMITTEE FOR THE SHEET METAL
AND AIR CONDITIONING INDUSTRY;
SHEET METAL OCCUPATIONAL
HEALTH INSTITUTE TRUST;
INTERNATIONAL TRAINING
INSTITUTE FOR THE SHEET METAL
AND AIR CONDITIONING INDUSTRY;
and NATIONAL STABILIZATION
AGREEMENT OF THE SHEET METAL
INDUSTRY FUND,

ORDER

11-CV-5592 (NGG) (MDG)

Plaintiffs,

-against-

THEMIS CHIMNEY INC., and MARK
PAPADIMITRIOU, as an individual,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.


Plaintiffs Sheet Metal Workers' National Pension Fund; National Energy Management Institute Committee for the Sheet Metal and Air Conditioning Industry; Sheet Metal Occupational Health Institute Trust; International Training Institute for the Sheet Metal and Air Conditioning Industry; and National Stabilization Agreement of the Sheet Metal Industry Fund bring this action under Section 502 of ERISA, 29 U.S.C. § 1132, to collect delinquent contributions to employee benefit funds allegedly owed by Defendants Themis Chimney Inc. and Mark Papadimitriou. (Compl. (Docket Entry # 1).) Plaintiffs move for default judgment. (Docket Entry # 7.) Because Defendants failed to file an answer or otherwise respond to the Complaint, the Clerk of Court entered a notice of default against Defendants on January 26,

2012, pursuant to Federal Rule of Civil Procedure 55(a). (Docket Entry # 8.) Defendants have not responded to Plaintiffs' Motion for Default Judgment, and their time to do so has passed.

The court has considered Plaintiffs' allegations and finds them sufficient to establish Defendants' liability as specified in the Complaint. Accordingly, Plaintiffs' Motion for Default Judgment is GRANTED pursuant to Federal Rule of Civil Procedure 55(b)(2). Pursuant to 28 U.S.C. § 636(b)(1)(B), the court refers Plaintiffs' claims for damages, attorney's fees, and costs to Magistrate Judge Marilyn D. Go for a Report and Recommendation.

SO ORDERED.

Dated: Brooklyn, New York
March 5, 2012

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS 
United States District Judge